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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,309

12/29/2003

Wen Wei

110751-135443

7988

31817

7590

10/20/2006

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EXAMINER

HOFFBERG, ROBERT JOSEPH

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/748,309

Applicant(s)

WEI, WEN

Examiner

Robert J. Hoffberg

Art Unit

2835

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: _____
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

**MICHAEL DATSKOVSKIY
PRIMARY EXAMINER**



Continuation Sheet (PTO-303)

Application No. 10/748,309

Continuation of 11. does NOT place the application in condition for allowance because:

With respect to applicant's arguments regarding the motivation to combine Perazzo (US 6,813,152) with Chen et al. (US 6,592,327). The examiner respectfully disagrees. Perazzo discloses a plurality of fan modules that permits continued airflow while servicing of any individual fan module. Perazzo's individual fan modules permit continued airflow in the event of failure of any individual fan. Chen discloses a fan module having at least one fan (abstract, Line 3), wherein the fans are arranged in a matrix relationship of 2xN which can substituted for the fan modules taught by Perazzo (the examiner's modification is to substitute a fan module of Perazzo with the fixed frame module #202 (Fig. 3) of Chen et al.). The fan modules #202 would operate independent of each other; and each module permits for continued airflow with a failure of an individual fan.

With respect to applicant's arguments regarding the hot swap capability of the individual fans of Chen et al. The applicant's claims include the transitional phrase "comprising" which permits the individual fans to have a hot-swap capability.

With respect to applicant's arguments regarding a fan failure impeding airflow. The examiner respectfully disagrees. Upon failure of an individual fan, airflow can still pass through stopped fan in the spaces between the fan blades and the adjacent fans in a 2-deep relationship will continue to pass airflow unimpeded

With respect to applicant's arguments concerning an open area between the pairs of fans. The examiner respectfully disagrees. Applicant's fails to claim any open spaced relationship between a first fan and a second fan positioned in a 2-deep relationship. The claimed 2-deep relationship of the fans in claims 5 and 19 do not address the open spacing because the separation distance as claimed can be of any value since the claims to require a given value or range (the proportion and function as claimed can be of any value).

MICHAEL DATSKOVSKIY
PRIMARY EXAMINER

